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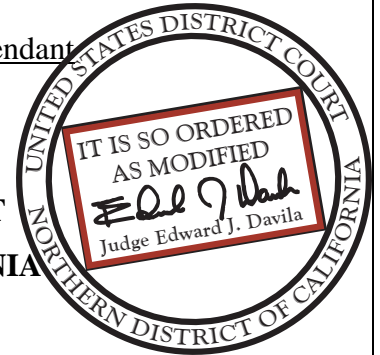
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**



7/27/2011

DONALD CULLEN, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No.: 5:11-cv-01199 EJD
Action Filed: March 11, 2011

**[PROPOSED] ORDER GRANTING
STIPULATION REGARDING
DEFENDANT'S MOTION TO DISMISS
AND PLAINTIFF'S SECOND AMENDED
COMPLAINT**

Judge: Hon. Edward J. Davila

Having considered the July 25, 2011 stipulation between Plaintiff Donald Cullen and Defendant Netflix, Inc., the Court HEREBY ORDERS:

1. Plaintiff shall have until September 5, 2011, to respond to Defendant's Motion to Dismiss either by filing an Opposition or by filing a Second Amended Complaint;

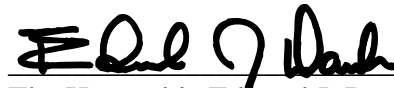
2. If Plaintiff files a Second Amended Complaint, Defendant shall have 30 days to file a responsive motion or pleading (by and including October 5, 2011). If Defendant files a

1 Motion to Dismiss (a Second Amended Complaint), Plaintiff shall have another 30 days to
2 oppose (by and including November 4, 2011), and Defendant shall have 14 days to reply (by and
3 including November 18, 2011), with a hearing on the matter to be held 14 days thereafter
4 set for hearing on **December 2, 2011 at 9:00 a.m.**

5 3. If Plaintiff files an Opposition to Defendant's current Motion to Dismiss (the First
6 Amended Complaint) (Dkt. 22), Netflix shall have two weeks to reply (by and including
7 September 19, 2011), with a hearing on the matter to be held 14 days thereafter set for
8 hearing on **October 7, 2011 at 9:00 a.m.**

9 4. Plaintiff and Defendant agree to take the currently scheduled August 19, 2011,
10 hearing off calendar, to be rescheduled according to Plaintiff's September 5, 2011 filing.

11
12
13 DATED: July 27,, 2011



The Honorable Edward J. Davila
United States District Court Judge